

VACATION

Declaratory  
~~Improvement~~ Res. No. 900-1955

Which provides for the vacation  
of a five (5) ft. alley between  
Charlotte Avenue and Curdes  
Avenue from the west property  
line of Lot No. 1, Elizabeth  
Hanna's Subdivision to the west  
a distance of 213 feet.

Resolution Adopted:

January 27, 1955

Confirmed:

Feb. 24, 1955

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Comfirmed:

April 7, 1955

For the Vacation - Opening - Condemnation of right of way for utility purposes of a five (5) foot alley between Charlotte Avenue and Curdes Avenue from the west property line of Lot No. 1, Elizabeth Hanna's Sub. to the west a distance of 213 feet.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate an alley, five (5) feet in width, beginning at a point 143 feet north of the southwest corner of Lot 1, Elizabeth Hanna's Subdivision; thence west a distance of 213 feet; thence north and parallel with the west line of said Lot 1 of said Subdivision a distance of 5 feet; thence east and parallel with the south line of the real estate herein described a distance of 213 feet to the west line of said Lot 1 of said Subdivision; thence south on the west line of said Lot 1 of said Subdivision a distance of 5 feet to the place of beginning.

All as shown by a plan of such proposed Opening - Vacation - Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - Opening - Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - Opening - Condemnation of right of way for utility purposes is described as follows: Lots 1 to 5 inclusive, Burgett's Addition, Lot No. 1, Elizabeth Hanna's Subdivision and part of Lot 8, Hanna's Plat "C". Said Additions inclusive to the City of Fort Wayne, Indiana.

All lots and lands

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by <sup>SAR</sup> above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

~~The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

(See Minute Record 33, page 117.)

All Streets, lots and lands affected by the above described vacation are situated in the northwest quarter of Section Thirty-six, Township 31 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

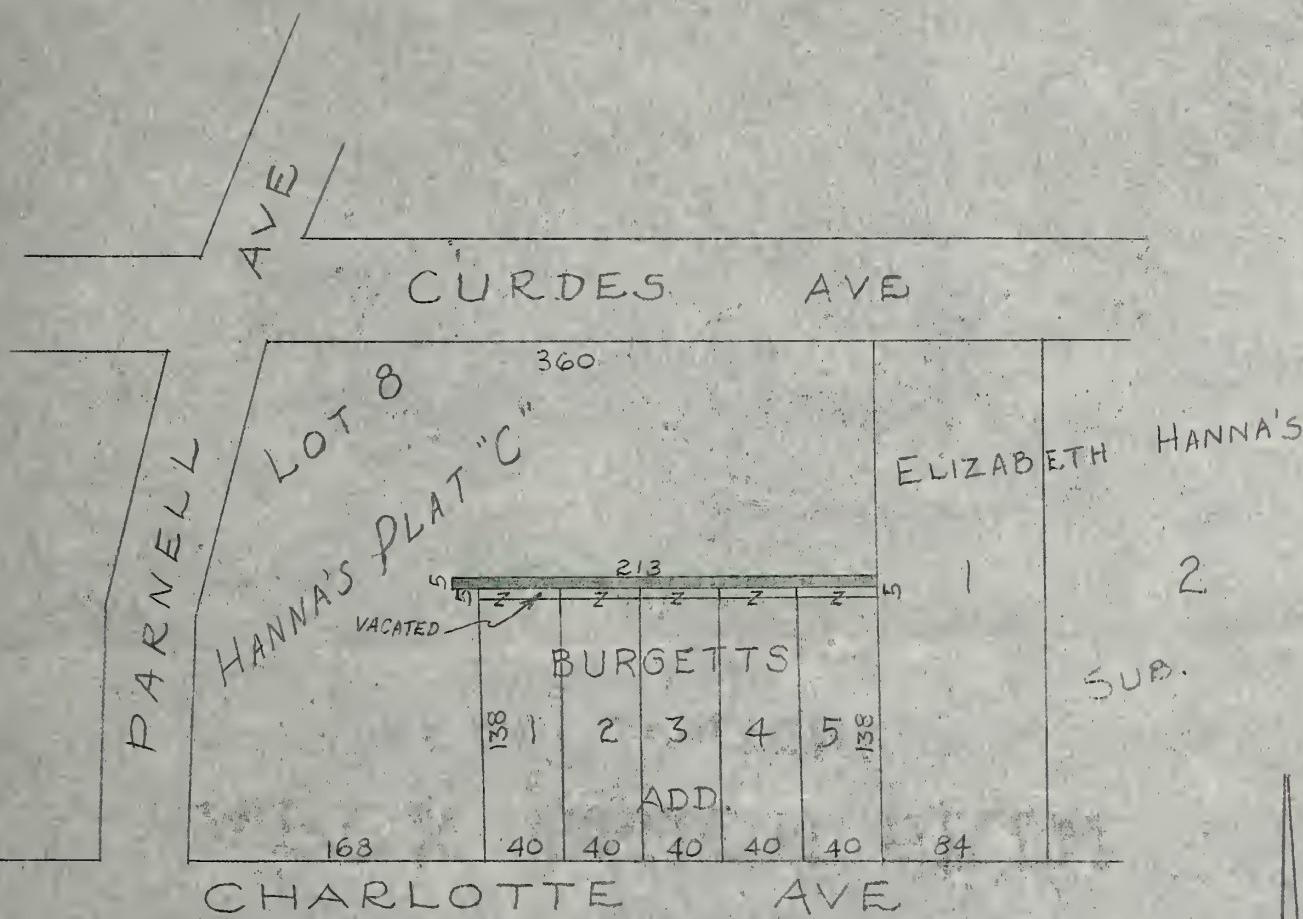
ADOPTED THIS 27th DAY OF Jan., 1955.

Attest:

Secretary Board of Public Works.

*J. H. Haller*

*B. J. Brueggen*  
*Frank K. Rose*  
*John M. Dailey*  
 Board of Public Works.



900

JAN 25 1955

*City Of Fort Wayne*



OFFICE OF  
BOARD OF PUBLIC WORKS

Nov. 9, 1954

FORT WAYNE 2, INDIANA

Mr. Robert Y. Adams,  
Planning Director  
505 Standard Building  
Fort Wayne, Indiana

Dear Sir:

You are hereby instructed to investigate and report a petition providing for the vacation of a 5-foot alley beginning at a point 143 feet north of the southwest corner of Lot 1, Elizabeth Hanna's Subdivision of part of Lots 8 and 17 in Hanna's Plat "C", Section 36, Township 31 North, Range 12 East; thence west a distance of 213 feet; thence north and parallel with the west line of said Lot 1 of said Subdivision a distance of 5 feet; thence east and parallel with the south line of the real estate herein described a distance of 213 feet to the west line of said Lot 1 of said Subdivision; thence south on the west line of said Lot 1 of said Subdivision a distance of 5 feet to the place of beginning.

Yours truly,

*B. K. Swanson*  
*Frank K. Rose*

ATTEST: J. L. Hackett  
Secretary

*Orin M. Duling*  
BOARD OF PUBLIC WORKS

JLH:m

Re-district - Pg 9.  
Would suggest that the original be re-submitted

PETITION

FOR PASSAGE OF A RESOLUTION FOR  
~~VACATION~~  
~~CONDEMNATION~~ OF A 5-FOOT PUBLIC ALLEY

Fort Wayne, Indiana

November, 8<sup>th</sup>, 1954

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE:

Gentlemen:

The undersigned, owners of the following described real estate in Allen County, State of Indiana, to-wit:

All that part of Lot A of Elizabeth Hanna's Sub-division of part of Lots 8 and 17 in Hanna's Plat "C" Section 36 Township 31 North of Range 12 East, lying north of a line beginning at a point 143 feet north of the southwest corner of Lot 1 of said Subdivision running west parallel with Charlotte Avenue to the intersection of said line with St. Joseph Gravel Road, now known as Parnell Avenue, reserving therefrom a strip of land 5 feet wide extending along said line westward from said point 213' feet to be used for the purpose of an alley for public use,

respectfully petition for the passage of a resolution providing for the vacation of a strip of land five (5) feet in width extending along the south line of the above-described real estate and more particularly described as follows, to-wit:

Beginning at a point 143 feet north of the southwest corner of Lot 1, Elizabeth Hanna's Subdivision of part of Lots 8 and 17 in Hanna's Plat "C", Section 36, Township 31 North, Range 12 East; thence west a distance of 213 feet; thence north and parallel with the west line of said Lot 1 of said Subdivision a distance of 5 feet; thence east and parallel with the south line of the real estate herein described a distance of 213 feet to the west line of said Lot 1 of said Subdivision; thence south on the west line of said Lot 1 of said Subdivision a distance of 5 feet to the place of beginning.

In support of said petition, the undersigned state that said real estate and land to be vacated was reserved by the grantors in a certain deed to the undersigned, which said deed was dated April 1, 1922, and recorded April 1, 1922, in Deed Record 273,

Page 405, in the office of the Recorder of Allen County, Indiana; that said alley for public use so reserved in said deed has never in fact been used for the purpose for which it was reserved; that it is impossible to use said strip of land sought to be vacated for the purpose of an alley for public use because it begins on the east and terminates on the west on privately owned real estate and is therefore entirely inaccessible for public use; that it therefore has no public utility whatsoever, serves no public use whatsoever and should in the public interest be vacated.

\* August H Malich  
(August H. Malich)

\* Pauline Malich  
(Pauline Malich)

VACATION

---

---

**Petition for Passage**

of a Resolution for

for the vacation of a 5-foot

alley in Elizabeth Hanna's

Subdivision. -

See inside for further  
description.

from \_\_\_\_\_

to \_\_\_\_\_

---

---

Filed with the Board of Public Works

Re: R. Y. Adams - 11/9/54

Plans Ordered: Nov. 30, 1954

---

---



## P E T I T I O N

Fort Wayne, Ind.,

**To the Board of Public Works of the City of Fort Wayne:**

Gentlemen:

The undersigned, owners of real

estate on \_\_\_\_\_, from

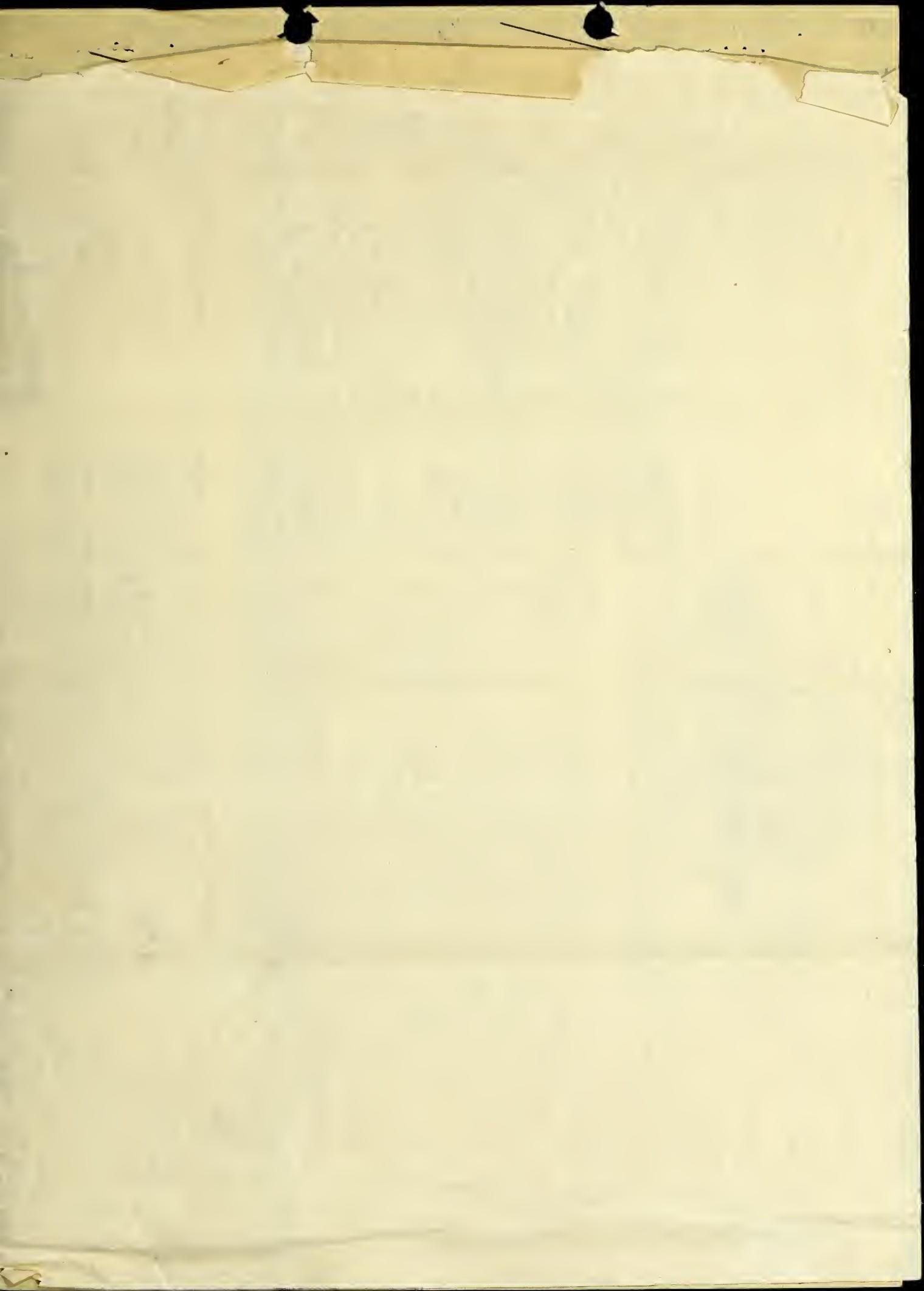
- 10 -

respectfully petition for the passage of a resolution providing for the

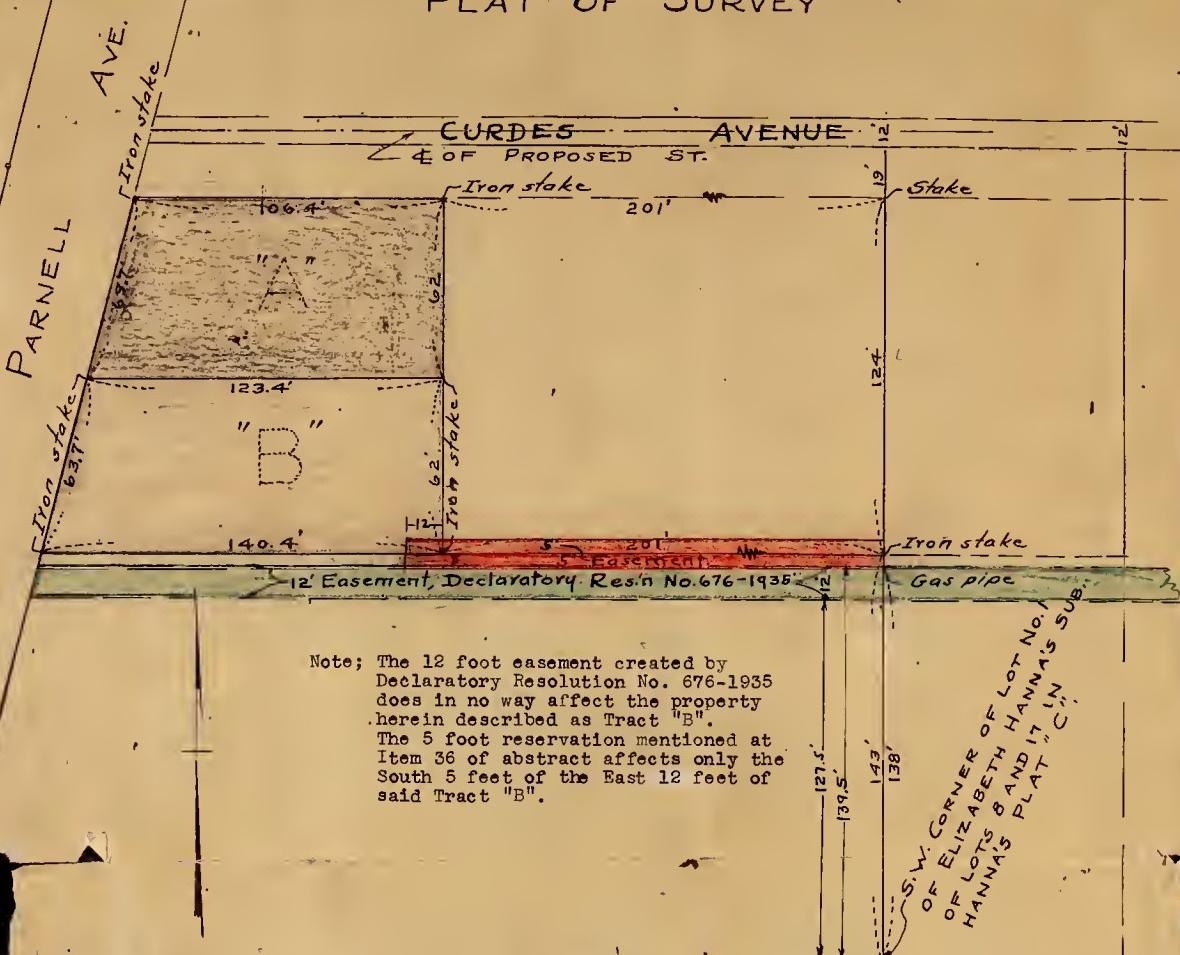


Digitized by the Internet Archive  
in 2015

<https://archive.org/details/declaratoryresol0900unse>



# PLAT OF SURVEY



CHARLOTTE

AVE.

The plat herein shown, is a plat of a survey of property located in the S. E. of Section 30, in Township 31 North Range 13 East Allen County, Indiana; more particularly described as follows, to wit: Commencing at the Southwest corner of Lot Number One, in Elizabeth Hanna's Sub. of Lots Number 8 and 17 in Hanna's Plat "C" Addition, to the City of Fort Wayne, Indiana, as recorded in Deed Record "D" No. 105, page 235 of the records of Allen County, Indiana; thence North on the East line of the said Lot No. 1, 143 feet; thence East parallel with the South line of said lot 201 feet for a point of beginning, said point being the South East corner of the tract herein described; thence continuing East parallel with the South line of said lot 140.1 feet, to the East line of Farnell Avenue, as now established; thence North and Easterly along the East line of Farnell Avenue, 127.1 feet; thence East parallel with the South line of the said Lot No. 1 extended 106.4 feet; thence South parallel with the West line of the said Lot No. 1, 124 feet, to the place of beginning.

This tract was divided into two tracts designated herein as "A" and "B": Description for "A", would be the North 62 feet of the above. Description for "B", would be the South 62 feet of the above.

Surveyed this 21st day of July for Mr. August J. Falich,  
an iron stake was placed at each corner of each tract and I hereby  
certify this plat and survey of same to be correct.

*Ron D. Dardouin*  
C. of S. of Allen  
Instruments Engineer No. 273.  
Aug 21, 1935

